

Date

Mr. Raymond "Shoe Do" Lewis
Iberia Parish School Board
P.O. Box 200
New Iberia, LA 70563

Re: Ethics Board Docket No. 2021-739

Dear Mr. Lewis:

The Louisiana Board of Ethics, at its October 8, 2021 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics ("Code") prohibits any of the following four situations for you as a current member of the Iberia Parish School Board.

FACTS PROVIDED

You are currently the President and founding member of the Garon Paul Atkins Lewis Foundation ("GPAL"), a non-profit company. GPAL was created in honor of your son Garon, who was killed on August 16, 2019, to support various organizations which foster the development of youth. You do not draw any compensation from GPAL and do not intend to be employed by GPAL. You have no ownership interest in GPAL. You stated that Tyra McWorther, GPAL Executive Director, and Tytiana N. McWorther, the GPAL Coordinator, would conduct all interaction with the Iberia Parish School system, such as submitting a grant application and organizing fundraising activities.

I. Does the Code prohibit you from being employed by GPAL?

La. R.S. 42:1111C(2)(d) provides that no public servant shall receive any thing of economic value for services rendered to a person if that person has a contractual, business, or financial relationship with the public servant's agency.

The Board concluded, and instructed me to inform you, that, generally, Section 1111C(2)(d) does not prohibit you from being employed by GPAL under the current circumstances. However, you should be cautioned that if GPAL enters into transactions with, or seeks to enter into transactions with, the Iberia Parish School system, Section 1111C(2)(d) would prohibit you from being employed by or accepting any thing of economic value from GPAL.

II. May GPAL collaborate with the Iberia Parish School system to apply for Federal and/or State Grants?

La. R.S. 42:1113A(1)(a) provides that no public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract,

subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

The Board concluded, and instructed me to inform you, that Section 1113A prohibits you from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of Iberia Parish School system. However, Section 1113A would not prohibit GPAL from collaborating with the Iberia Parish School system to apply for grants, since you have no ownership interest in GPAL. The Board cautioned that GPAL's Executive Director and/or Coordinator must handle all aspects of the transactions, such as grant applications, with the Iberia Parish School system, as you are prohibited by Section 1113A from entering into the transactions.

III. May you participate, in your capacity as a member of the Iberia Parish School Board, in a transaction involving GPAL?

Generally, La. R.S. 42:1112B(3) provides that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

La. R.S. 42:1120 provides that if any elected official, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse himself from voting. An elected official who recuses himself from voting pursuant to this Section shall not be prohibited from participating in discussion and debate concerning the matter, provided that he makes the disclosure of his conflict or potential conflict a part of the record of his agency prior to his participation in the discussion or debate and prior to the vote that is the subject of discussion or debate.

However, La. R.S. 42:1123(1) provides an exception to the Code which allows for participation in the affairs of charitable, religious, nonprofit education, public service, or civic organizations when no compensation is received.

The Board concluded, and instructed me to inform you, that the exception in Section 1123(1) will allow you to participate, in your capacity as a member of the Iberia Parish School Board, in matters involving GPAL, as long as you receive no compensation from GPAL. Should you receive compensation from GPAL, you would then be prohibited by Section 1112B(3) from participating in any transactions in which GPAL has a substantial economic interest. You would be required to recuse yourself pursuant to the provisions of Section 1120.

IV. May you participate in fundraising for GPAL at Iberia Parish School system events?

La. R.S. 42:1115A provides that no public servant shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

The Board concluded, and instructed me to inform you, that Section 1115A prohibits you from soliciting donations from any person who has, or is seeking to obtain, a contractual, business, or financial relationship with the Iberia Parish School system, whether the solicitation occurs at school events or other locations.

The Board further cautioned that, should any approval from Iberia Parish School systems be required prior to any such solicitation, you would be prohibited from seeking such approval by Section 1113A, as noted above. Any such approval must be handled by GPAL's Executive Director and/or Coordinator.

V. May GPAL receive contributions from businesses that have a relationship with the Iberia Parish School Board?

The Board concluded, and instructed me to inform you, that Section 1115A (above) does not prohibit GPAL from soliciting and accepting donations from sources who have, or are seeking to obtain, a contractual, business, or financial relationship with the Iberia Parish School system, since GPAL is not a public servant.

However, as provided above, Section 1115A prohibits you from personally soliciting or accepting donations from any prohibited sources.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Suzanne Quinlan Mooney
For the Board